

Accounting Historians Journal

Volume 25

Issue 2 December 1998

Article 8

1998

First Wisconsin accountancy bill: An historical perspective

Joann Noe Cross

Follow this and additional works at: https://egrove.olemiss.edu/aah_journal

Part of the [Accounting Commons](#), and the [Taxation Commons](#)

Recommended Citation

Cross, Joann Noe (1998) "First Wisconsin accountancy bill: An historical perspective," *Accounting Historians Journal*: Vol. 25 : Iss. 2 , Article 8.

Available at: https://egrove.olemiss.edu/aah_journal/vol25/iss2/8

This Article is brought to you for free and open access by the Archival Digital Accounting Collection at eGrove. It has been accepted for inclusion in Accounting Historians Journal by an authorized editor of eGrove. For more information, please contact egrove@olemiss.edu.

Joann Noe Cross

UNIVERSITY OF WISCONSIN OSHKOSH

THE FIRST WISCONSIN ACCOUNTANCY BILL: AN HISTORICAL PERSPECTIVE

Abstract: Wisconsin's first attempt to pass legislation certifying accountants occurred in 1901, the beginning of the La Follette era. Overwhelmed by the issues of the day, this first bill died and another was not introduced until the incorporation of the Wisconsin Association of Accountants in 1905. Subsequent legislation failed to pass each year until 1913 when a bill was finally signed by Governor Francis McGovern. The details of these efforts hint at political rivalries and professional dedication. This paper attempts to relate not only the documentary history of these bills, but also to convey a sense of the underlying debates.

The first successful CPA legislation in the U. S., the 1896 New York law which granted accountants the right to limit entry to their profession through a written exam, can be viewed as the beginning of the American accounting profession. However, by 1901, when Wisconsin initiated its first attempt at CPA legislation, only two additional states had joined New York. Over the 12 years it took to obtain statutory recognition for the profession in Wisconsin, another 19 states passed accountancy legislation.

1901: A CASE OF BAD TIMING

The first bill to regulate accounting in Wisconsin was introduced in the state legislature in 1901. Wisconsin had just entered a period of unity and relative political calm. "No man could have been inducted into high office under conditions favoring him more than those that attended the inauguration of Governor Robert M. La Follette" [Philipp, 1973, p. 24]. In his inauguration speech on January 9, 1901, "Fighting Bob" restated his position supporting a direct primary law and railroad taxation [Plumb, 1930, p. 133]. Believing that he had a mandate from the people of the state to proceed, the governor caused the Direct Primary Bill to be introduced simultaneously in both houses of the legislature on January 28, 1901.

A week earlier, on January 21, James McGillivray, president pro tem of the Wisconsin Senate, had introduced Senate Bill 31S calling for the certification of public accountants in the state. This bill provided that:

Any citizen of Wisconsin residing or having place for regular transaction of business in the state, being over the age of twenty-one years and of good moral character, and who shall receive from the board of examiners a certificate of his qualifications to practice as a public expert accountant as hereinafter provided, shall be styled and known as a certified public accountant.

The bill was referred to the Judiciary Committee for consideration. By February 12, however, the unity of the La Follette camp had begun to break apart and political maneuvering on the governor's part had led to suspicion and dissent [Philipp, 1973, p. 32]. Many of La Follette's supporters had defected because of what they perceived as an air of secrecy and backroom politics [Plumb, 1973, p. 27]:

It is an interesting fact, that with three noteworthy exceptions, no man connected with the faction that subsequently fought Governor La Follette so bitterly can put his finger on the specific act of the governor that first aroused his ire But conditions had changed now. As the days passed it was noticed that an air of mystery was beginning to gather about the capitol building. Men were called to the executive chamber for conferences, it is true, but they were carefully selected from among their fellows and the consultations were always held behind closed, guarded doors.

On February 12, the *Milwaukee Sentinel* reported a heated discussion between Senator McGillivray and Senator Andrew Kreutzer, chair of the Judiciary Committee and a former La Follette man. The tenor of the discussion as reported seemed to indicate that McGillivray was admonishing Kreutzer for improper or inefficient handling of Judiciary Committee business. Perhaps anticipating some "revenge" for his words, McGillivray reintroduced another accountancy bill, number 191S, later that same day and requested that it be directed to the Senate's State Affairs Committee.

Bill 191S was similar to 31S but for three significant exceptions. First, 191S referred to "any citizen of the United States residing or having place for regular transaction of business in Wisconsin," while 31S referred to "any citizen of Wisconsin

residing or having place for regular transaction of business in the state." Although perhaps not actually representing a difference in intent between the two bills, it may have been interpreted as significant by some legislators. In subsequent years, the issue of whether or not to limit certification of accountants in Wisconsin to state residents became pivotal in the debate over later bills, including the 1913 bill which eventually became law. Requiring U.S. citizenship was important in protecting the fledgling American profession from overwhelming competition from its British counterpart. Citizenship and state residency played a part in the political process that preceded passage of the 1913 Certified Public Accountant Act.

Second, Senate Bill 191S expanded the definition of which individuals would be certified without examination to include public accountants who had practiced in Wisconsin for two years prior to passage rather than the one year of "practicing in this state on his own account" as mandated by 31S. The concept of "practicing on one's own account" was very restrictive, requiring an individual to be self-employed in an accounting or bookkeeping practice. Many potential CPAs were negatively impacted by this requirement including many employees of large, foreign firms. This bill also extended certification without examination to individuals certified in other states. Both provisions were consistent with McGillivray's anti-trust leanings, but may not have been restrictive enough for some of his protectionist colleagues.

Finally, Bill 31S allowed certified accountants themselves to elect a Board of Examiners of their peers, while Bill 191S provided for the regents of the University of Wisconsin (UW) to appoint a three-person board, consisting of the dean of the Department of Commerce and two public accountants who had practiced in the state for at least two years. It is interesting to note that, perhaps to curry UW support, 191S also required the establishment of a correspondence course to prepare candidates for the examination. The reader is advised that the characteristics of the various proposed accountancy bills discussed in this paper are compared across 11 parameters in Appendix A.

Both 191S and 31S were referred out of Committee with the recommendation to postpone indefinitely. Perhaps because the animosity generated by the Direct Primary Bill and the railroad taxation issue absorbed so much legislative energy, the certification issue was not brought up again for three legislative sessions.

THE WISCONSIN ASSOCIATION OF PUBLIC ACCOUNTANTS

On February 19, 1906, the Board of Directors of the nascent Wisconsin Association of Public Accountants (WAPA) met in special session "for the purpose of discussing the features of an accountancy bill to be proposed to the legislature of this state."¹ After discussing the features of such bills passed by various states, the meeting was adjourned. Subsequently, at a meeting on February 28, 1906, the Board of Directors composed an outline of a bill for discussion by the whole membership. Interestingly, the minutes of the Board of Directors meeting note that "this outline was taken down in shorthand by a stenographer who is to furnish a copy to each of our members." This implies that the directors were, in fact, composing the draft bill in committee. The proposed bill was discussed in depth on March 5 and May 7 by the whole membership before being approved on June 13, 1906.

The Accountancy Bill approved by the WAPA (see Appendix B for a transcription of the complete text) had two major provisions. The first, relating to the characteristics of individuals desiring to be styled Certified Public Accountants, required an individual to be a U. S. citizen, to be a resident of or to have had a place of business in the State of Wisconsin for three continuous years, to be of good moral character, and to be over 25 years of age. The second, relating to the establishment of a Board of Examiners, created a board of three members "conversant with the scope of accountancy, which embraces the fields of commerce, finance and accounts." The Board, comprised of one appointee each by the governor, the president of UW, and the WAPA, was to establish examination fees and a fund for the certificates to be maintained by the Association. Individuals who had been practicing accountancy in the state for three years prior to the act and who could obtain the endorsement of five resident public accountants were to be certified without examination. Later meetings of the Association [WAPA, October 1, 1906] added the requirement that the members of the Board of Examiners be "skilled accountants actively engaged in the practice of accountancy in the State of Wisconsin," extended the practice requirement for certification with-

¹The minutes book of the WAPA is owned by its successor organization, the Wisconsin Institute of Certified Public Accountants, which has graciously allowed me extensive access to its records.

<https://www.ohiohistorycentral.org/ohio-journal/vol25/iss2/8>

out examination to five years, and added a courtesy acceptance of equivalent examinations taken in other jurisdictions.

The Association was extraordinarily active in pushing passage of this proposed bill. In response to an invitation to attend the National Conference of the American Association of Public Accountants, the minutes of the Association [WAPA, October 1, 1906] reflected the sentiment that "it was unlikely that any of our members would avail themselves of the pleasure of attending that meeting, as all our energies were directed toward accomplishing the passage of a C.P.A. bill in this State." The Association printed 1,500 copies of the proposed bill for distribution to help garner support [WAPA, October 15, 1906]. Support was also solicited from the Merchants and Manufacturers Association of Milwaukee, whose secretary, Mr. Bruce, was reported as being "very favorably impressed with the accountancy bill" to the degree that he "promised to give it his support and to interest his association in the measure" [WAPA, December 3, 1906].

On December 27, 1906, the final version of the proposed bill was drafted and approved. This version added a provision for an examination to be administered whenever the Board had five applications for certification. The examination included sections on "Theory of Accounts," "Practical Accounting," "Auditing," and "Commercial Law as affecting accountancy." The Association's bill further modified the grandfather provision to reduce the practice requirement to three years for accountants in the state prior to passage of the bill, while maintaining the five-year requirement for nonresidents.

1907: CLOSE BUT STILL UNSUCCESSFUL

On January 22, 1907, Julius Roehr, a state senator from Milwaukee, introduced Senate Bill 10S, which was referred initially to the Committee on State Affairs. The bill was subsequently referred to the Committee on the Judiciary on March 7. Senator Roehr's bill was identical to the one proposed by the WAPA with the single exception of specifically allowing CPAs to administer oaths. This unusual provision was subsequently deleted by amendment.

The Judiciary Committee proposed an amendment to Senate Bill 10S which redirected the authority to certify accountants from the secretary of state to the regents of the University of Wisconsin. It further required that individuals who desired to take the examination would [Senate Bill 10S, 1907]:

be a graduate from the course in commerce of the university of Wisconsin or shall for a period of at least three years have been employed in the office of a public accountant as an assistant, or shall have been practicing as a public accountant on his own account.

This may have been done to draw support from those senators who supported the University. On May 24, 1907, the amended bill passed the Senate and was sent to the State Assembly. The Assembly received the bill and rushed it into the Judiciary Committee, where nonconcurrence was recommended with two dissenting votes. The Assembly accepted the Committee's recommendation on June 7, 1907. Not to be discouraged, the Assembly Committee on University Affairs, undoubtedly interested in enhancing the prestige of UW, immediately introduced an identical bill (1028A) which unfortunately was again referred to the Judiciary Committee. Not surprisingly, the Committee again recommended indefinite postponement and the bill died on June 27, 1907. Opportunity had passed for another year.

1909: BACKLASH TO THE UW'S POWER

On February 4, 1909, Assembly Bill 173A was introduced by Representative D.C. Coolidge. This bill resembled the Senate bill of 1907, but attempted to resolve several controversial issues which may have contributed to the Assembly's rejection. Bill 173A placed the power to appoint the Board of Examiners firmly in the hands of the governor. In a Populist reaction to the increasing power of the UW system, it also removed the option for a graduate of the UW's course of commerce to sit for the examination without experience. In addition, 173A removed the grandfather provision for individuals certified in a foreign country, probably addressing the "British problem," and required Wisconsin CPAs to be residents of the state.

On April 23, 1909, the Judiciary Committee recommended passage of Substitute Amendment No. 1, A. to 173A, which created a new class of CPA referred to as a "junior accountant;" that is, one with less experience than an individual entitled to be called a CPA. This substitute bill was apparently designed again to appeal to UW's supporters who foresaw a problem with highly trained university graduates being unable to take the examination immediately upon graduation.

A series of political maneuvers ensued in the Assembly, including attempts to refer the bill to the Committee on Claims

and a motion on the floor of the Assembly to indefinitely postpone, which was offered at a time when major supporters of the bill, including the proposer, were absent. Although this motion passed on a roll call vote, it was decided the next day to reconsider the postponement. It was then narrowly decided to engross the bill and read it a third time.

On May 5, 1909, it was again moved to postpone the bill indefinitely. The motion failed, and the bill subsequently was passed and moved on to the Senate. In the Senate, the Committee on State Affairs recommended nonconcurrency, primarily due to the clause which permitted certification for individuals who had practiced in the state for a number of years. One month later, a substitute amendment to remedy this defect was refused adoption, and the Senate formally voted to nonconcur.

There was apparently some further maneuvering in the Senate. A parallel bill 303S had been introduced on February 16, which removed reciprocity for individuals certified in another state, instituted a \$5,000 performance bond requirement, and removed the state residency requirement. This bill was indefinitely postponed on June 4, 1909, and the certification attempts had failed for another session.

Clearly, the legislature's interest was not focused on accounting regulation. The issues of La Follette's control of the state, even when he was elected to the U.S. Senate, resulted in severe personal rivalries which may have hurt the bill's chances.

1911: ONE MORE TRY

Two bills were introduced in 1911 in the Assembly. These bills 337A (introduced on February 7) and 676A (introduced on February 22) differed only in the composition of the Examining Board (three versus five), the issue of intention to apply for U.S. citizenship versus actual citizenship, the qualifications to take the exam (337A had none), and the individuals who qualified to be certified without examination (676A only allowed for individuals who had been certified in another state or territory). Both bills were indefinitely postponed on May 13, 1911. Other issues, primarily the investigation of the process of nomination of a candidate for the 1912 senatorial election, absorbed the legislature's attention and the effort again failed.

1913: SUCCESS

Three bills were introduced in 1913 — 302A on February

11, 244S on February 18, and 755A on March 3. Assembly Bill

302A was recommended for indefinite postponement almost immediately on March 5, 1913. Possible causes of this rejection may have included the omission of the intention to seek U.S. citizenship as a criterion for eligibility and extensive language empowering the CPA as an officer of the state with rights similar to lawyers regarding administration of oaths and client privilege.

Assembly Bill 755A, as had been the case with similar bills in previous years, was referred to the Committee on State Affairs which, again, recommended indefinite postponement. This time, however, there were three dissenting votes reported. When the bill came up for a vote on March 15, David Jennings, speaking on behalf of Representative O. F. Roessler who had been vigorously supporting the accountancy bills introduced in 1911 and earlier in 1913, requested that the bill be laid over to March 20. On March 20, Mr. Roessler moved to refer the bill to the Joint Finance Committee of the Senate and Assembly. His motion lost.

At this point, the speaker, for some unspecified reason, called upon Mr. Roessler to chair the meeting during the vote on indefinite postponement. That vote resulted in a 46 to 46 tie, and Mr. Roessler was able to cast the tie-breaking negative vote. On April 3, the bill was referred to the Finance Committee which already had Senate Bill 244S under consideration. This bill was identical to 755A except in the age required to be certified (244S lowered the age to 23 from the 25 required by every proposed accountancy bill since 1907) and the omission of the requirement to have practiced "on one's own account" at passage in order to be certified without examination.

Relatively rapidly, 244S was recommended out of committee, passed the Senate and the Assembly, and was sent on to Governor Francis E. McGovern for signing. On May 29, 1913, along with a substantial number of other unrelated bills, the governor signed Wisconsin's first accountancy act.

HISTORICAL SIDELIGHTS AND QUESTIONS

The *Wisconsin Session Laws*, a record of bills signed by the governor, organized "acts resolutions and memorials passed at the biennial session of the legislature, 1913 . . . in consecutive chapters in the order in which they are received from the Governor." The Accountancy Act was Chapter 337. Interestingly, Chapter 772 amended this chapter significantly. Chapter 772 mandated that merely being required to have practiced in Wis-

consin for one year prior to passage of the act in order to be eligible for certification without sitting for the exam was insufficient. One was also required to have been a resident of the state. Garland Cherry, in reminiscences addressed to the Wisconsin Association of Accountants on his fiftieth anniversary as an accountant,² indicated that the original bill passed by the legislature had this residency requirement in it. However, Cherry, as a friend and employee of Arthur Young, CPA of Chicago and an acquaintance of the governor, convinced the governor to delete this requirement so that Mr. Young could be certified in Wisconsin. What really happened?

The *State Assembly Journal* indicates that Mr. Roessler voted against 244S both in the Joint Finance Committee and on the floor of the Assembly. Was it personal, part of a power struggle between the Senate and Assembly, or part of the battle with La Follette? Does the fact that members of the WAPA are listed as agents with regard to 755A, but not 244S, change our interpretation of these events? Were these parties really convinced that "practicing on one's own account" was important for the profession?

In fact, the questions raised in this investigation outnumber the answers obtained. Since neither official record was maintained nor was an unofficial record found of the debate surrounding these bills, it becomes necessary to draw unsubstantiated conclusions. The risk here is that in retelling this history, we rewrite history.

The duty of the historian is to discover and report sequences of actions, show how those actions arose from past events, and demonstrate how they lead to future events. Further, a historian will give shape and form to bare events by placing them in a cultural and/or emotional context. This process involves choosing critical events, such as those discussed in this paper, from the confusion of ordinary time and placing them in some logical sequence.

However, the events chosen as critical do not have significance apart from the historian's biases. Frequently, the act of choosing a context does not rely as much on the relationship of the context to the historical action as on the serendipity that moved the researcher to consult a particular source at a par-

²This unpublished letter, addressed to the Wisconsin Society of Accountants (now the Wisconsin Institute of Certified Public Accountants), is maintained by the Institute in its member records. Again, I am grateful to the Institute for permitting me access to these historical documents.

ticular time. In the researcher's mind, the details appear to order themselves even though it is the researcher's peculiar mental receptiveness that creates the order.

Thus, chosen facts achieve their own importance and become, in turn, the subjects of historical analysis and debate. Meanwhile, discarded events are consigned to an historical oblivion from which only a renaissance of interest can rescue them.

The very act of juxtaposing two events creates a connection between them which clearly exists, but which may not be defining. For example, it is not known whether or not Senators McGillivray and Kreutzer's disagreement had anything to do with the submission of Bill 191S in 1901. It cannot be proved today what effect the Progressive's victory and subsequent disillusionment had on the time frame for passage of an accountancy bill in Wisconsin. Nor can it be shown that Garland Cherry's reminiscence accurately reflects what really happened.

Thus, it is important, in both reading and writing history, to keep in mind that the thread of individual life is woven into a cloth of culture and existence in which each thread, each section, is related but perhaps not in a causative manner.

It is clear, however, that in the State of Wisconsin, the struggle to obtain state recognition of accountants as professionals deserving of special protection was not an easy one. Perhaps further investigation can yield additional insights into the personalities of the people surrounding these events and the environment in which this struggle occurred, but we can never be sure that we understand what really happened and why.

REFERENCES

- Cherry, Garland (1978), private communication with Wisconsin Institute of Certified Public Accountants.
Milwaukee Sentinel, February 12, 1901:1.
Philipp, Emanuel L. (1973), *Political Reform in Wisconsin* (Madison, WI: State Historical Society of Wisconsin).
Plumb, Ralph G. (1930), *Badger Politics 1836-1930* (Manitowoc, WI: Brandt Printing and Binding Co.).
Wisconsin Association of Public Accountants (1905-1926), *Minutes Book*.
Wisconsin, State of (1909), *Assembly Bill 173A*.
Wisconsin, State of (1911), *Assembly Bill 676A*.
Wisconsin, State of (1911), *Assembly Bill 337A*.
Wisconsin, State of (1913), *Assembly Bill 755A*.
Wisconsin, State of (1913), *Assembly Bill 302A*.
Wisconsin, State of (1901), *Journal of Proceedings of the Forty-fifth Session of*

- Wisconsin, State of (1907), *Journal of Proceedings of the Forty-eighth Session of the Wisconsin Legislature*.
- Wisconsin, State of (1909), *Journal of Proceedings of the Forty-ninth Session of the Wisconsin Legislature*.
- Wisconsin, State of (1911), *Journal of Proceedings of the Fiftieth Session of the Wisconsin Legislature*.
- Wisconsin, State of (1913), *Journal of Proceedings of the Fifty-first Session of the Wisconsin Legislature*.
- Wisconsin, State of (1901), *Senate Bill 31S*.
- Wisconsin, State of (1901), *Senate Bill 191S*.
- Wisconsin, State of (1907), *Senate Bill 10S*.
- Wisconsin, State of (1907), *Substitute Amendment 1A to Senate Bill 10S*.
- Wisconsin, State of (1909), *Senate Bill 303S*.
- Wisconsin, State of (1913), *Senate Bill 244S*.
- Wisconsin, State of (1913), *State Assembly Journal*.

APPENDIX A **Comparison of Wisconsin Accountancy Bills to 1913**

Parameter	1901 31S	1901 191S	1907 10S Same as WAPA	1907 10S Amended	1909 303S	1909 173A	1911 676A	1911 337A	1913 755A	1913 302A	1913 244AS
Citizen of U.S.	No	Yes	Yes intention	Yes or intention	Yes or intention	Yes or intention	Yes or intention	Yes	Yes or intention	Yes	Yes or intention
Resident of WI	Yes	Yes	Yes	No	No	Yes, 1 year	No	No	No	No	"
Business in WI	Yes	Yes	Yes	No	No	No	No	No	No	No	"
Good moral character	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Age	Over 21	Over 21	Over 25	Over 25	Over 25	Over 25	Over 25	Over 25	Over 25	Over 25	Over 23
Certified by	Board of Examiners	Board of Examiners	Secretary of State	Regents	Governor	State Board of Accountancy	"	Board	State Board of Accountancy	Governor	"
Board consists of (initially)	Governor, Attorney General, accountant	Dean of Commerce 2 accountants	3 skilled accountants appointed by Governor, Pres. of UW, WAPA	3 persons appointed by Regents	latterney, 2 skilled accountants	Governor appoints: 2 lawyers and 3 accountants	Governor appoints: 2 lawyers and 3 accountants	Governor appoints: 1 accountant 1 lawyer 1 professor	Governor appoints: professor 2 skilled accountants	Governor appoints: professor 2 skilled accountants	Governor appoints: professor 2 skilled accountants
Future Boards appointed by	Election by certified accountants	Regents	Pres. of UW appoints from certified	Regents	Governor	Governor	Governor	Governor	Governor	Governor	Governor
Oath	No	No	Yes	No	Yes	No	No	No	No	No	No

APPENDIX A (Continued)

Comparison of Wisconsin Accountability Bills to 1913

Parameter	1901 31S	1901 191S	1907 10S Same as WAPA	1907 10S Amended	1909 303S	1909 173A	1911 676A	1911 337A	1913 755A	1913 302A	1913 244AS
Grandfather (exam not required)	Practice in this state one year	2 years in this state or other states requiring same or equal	On own account in state 3 years; applied in writing; 5 foreign residents endorse; outside of state 5 years	Holder of cert. or holder of cert. in foreign country or practicing in own account 3 yrs	Practiced in WI for 1 yr.	3 years on own account in WI or cert. from another state	5 years public accounting & 1 yr. on own account in WI or Cert. from another state or Cert. in foreign country	Cert. from another state or Cert. holder in foreign country or 3 years experience as public accountant	Cert. from another state or 3 years public accountant in WI	Cert. from another state or Cert. in foreign country or more than 3 years as public accountant & 1 in WI	
Other		Required course of study also by corre- spondence			\$5,000 bond	Junior Act. if passed exam but less experience				May administer oaths. Certified report is presumptive evidence of facts. Are state officers.	

APPENDIX B

Accountancy Bill

AN ACT to regulate the practice of the profession of public accountants in the State of Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. Any citizen of the United States, or person who has duly declared his intention of becoming such citizen, having resided and having had a place for the regular transaction of the business of a professional accountant in the State of Wisconsin for the continuous period of three years, next preceding the passage of this act, being over the age of twenty-five years, of good moral character, and who shall have received from the Secretary of State of the State of Wisconsin a certificate of his qualifications to practice as a public accountant, as hereinafter provided, shall be styled and known as a "Certified Public Accountant," and no other person shall assume such title, or use in any manner the name, title, or style of Certified Public Accountant, Chartered Accountant or any abbreviation or abbreviations of said words, or any other words, letters or figures to indicate that the person using the same is such Certified Public Accountant.

Section 2. There shall be appointed, within sixty days after the passage of this act, a Board of Examiners, consisting of three persons, who shall be skilled accountants actively engaged in the practice of accountancy and residing in the State of Wisconsin. The Governor of Wisconsin, the President of the University of Wisconsin and the Wisconsin Association of Public Accountants shall each appoint one member of said Board. Said appointees shall serve for one year from the date of appointment. Upon the expiration of said term, and each term thereafter, their successors shall be appointed from among the Certified Public Accountants of this state by the President of the University of the State of Wisconsin, for the term of one, two and three years respectively; provided, however, that no member of said Board shall serve for more than two consecutive terms. Any vacancy occurring in the first Board by death, resignation or otherwise, shall be filled, for the balance of the term, by the original appointer. Any vacancy occurring by reason of death, resignation or otherwise in the second or succeeding Boards, shall be filled, for the balance of the term, by the then existing Board; such appointment to be confirmed by the President of the University of Wisconsin.

Section 3. (a) Each member of the Board of Examiners shall be paid ten dollars per day while said Board is in session for the time expended in the performance of duties imposed upon them by this act, and one railroad fare each way coming and going to and from the agreed place of meeting; but the compensation for each member of said Board shall not exceed thirty dollars per session. A day shall consist of six hours.

(b) Said Board shall hold an examination of applicants within sixty days after not less than five applications have been filed in the manner provided for in this act, and shall mail each applicant a notice of the time and place of holding such examination thirty days prior thereto.

The examination shall be on "Theory of Accounts," "Practical Accounting," "Auditing," and "Commercial Law" as affecting accountancy.

(c) Each application for examination must be made to the said Board in writing and be accompanied by a fee of twenty-five dollars. Such fee shall not be returned to the applicant if he fails to pass the examination, but such

applicant shall have the privilege of re-examination within two years without the further payment of a fee.

Section 4. (a) The said Board shall, within thirty days after each examination held by it, certify the name of each successful applicant for a certificate to the Governor, who thereupon shall direct the Secretary of State to issue, and said Secretary of State shall thereupon issue, the certificate mentioned in the first section of this act, for the issuance of which certificate the said applicant shall pay to the Secretary of State a license fee of one dollar.

(b) Every qualified person shall take, and subscribe to an oath substantially as follows, to-wit: I do solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Wisconsin, and that in all matters submitted to me for examination I will endeavor to act justly, carefully, impartially and uprightly. That I will not divulge any business secrets of the persons, firms and corporations who shall have entrusted their affairs to me, unless directed to do so by a court of justice, or other competent authority, so help me God.

(c) He shall also provide an engraved official seal, bearing his name, county and state, and the words "Certified Public Accountant," and shall file an impression of the same with his said oath, his autograph and a statement of his postoffice address, with the Secretary of State and with the Clerk of the Circuit Court in the county in which he resides. The Clerk of the Circuit Court shall thereupon, under seal, acknowledge that the law has been complied with.

(d) The Governor shall revoke any certificate issued under the provisions of this act whenever the Board of Examiners shall certify to said Governor that any person holding such a certificate has been guilty of unprofessional conduct or has been convicted of a felony. But no such action shall be taken by said Board except after written notice stating the complaint made against any holder of such certificate shall have been first given to said holder and a full and fair hearing of said complaint shall have been had by said Board.

Section 5. The Board of Examiners shall waive the examination of any such person possessing the qualifications mentioned in Section 1 hereof who shall have been at the time of the passage of this act practicing in this state as a public accountant on his own account for the term of three years, and who shall have applied in writing to said Board for a certificate within six months after the passage of this act; provided, that such applicant shall be fortified with the endorsements of five public accountants, residents of the State of Wisconsin, and the certificate shall issue as hereinbefore provided. This provision shall also apply and extend to any person who shall have been actively engaged in practice as a public accountant for not less than five years next prior to the passage of this act, outside of the State of Wisconsin, and shall have passed an examination equivalent, in the opinion of the Board of Examiners, to the examinations to be held under the provisions of this act.

Section 6. Any person who shall violate any provision of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court having criminal jurisdiction, shall be punished by a fine of Two Hundred Dollars, or by imprisonment for a term of six months in the county jail, for the first offense, and on second or further conviction for a second or further offense, shall be punished by a fine of Five Hundred Dollars, or by imprisonment in the county jail for a term of twelve months.

Section 7. (a) The Wisconsin Association of Public Accountants, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, shall within thirty days from the passage of this act deposit with

the Secretary of State of the State of Wisconsin the sum of One Hundred Dollars.

(b) The said deposit of One Hundred Dollars shall remain with the Secretary of State as a guarantee fund, out of which he shall defray any deficiencies which may arise in the session or other necessary expenses provided for in this act.

(c) The fees paid to the Board of Examiners for certificates shall be paid over to the Secretary of State of the State of Wisconsin.

(d) The Secretary of State of the State of Wisconsin shall keep these fees, together with the guarantee fund herein mentioned, in a fund called "The Certified Public Accountant Fund."

(e) The compensation of the Board of Examiners, as provided for in this act, as well as the expenses for printing, stationery, books and certificates, shall be paid out of this fund, upon warrants of said Secretary of State, signed by the Chairman and Secretary of said Board.

Section 8. This act shall take effect and be in force from and after its passage and publication and the deposit of the guarantee fund by the Wisconsin Association of Public Accountants, as herein provided.